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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

HOANG MINH LE, an individual

Plaintiff,

vs.

PUENTE CASTELTON, LLC, a limited  
liability company;

Defendants.

Case No.: 5:24-cv-385

**COMPLAINT FOR**

**(1) VIOLATION OF THE UNRUH  
CIVIL RIGHTS ACT  
(CALIFORNIA CIVIL CODE  
§§ 51, 52);**

**(2) VIOLATIONS OF THE  
AMERICANS WITH  
DISABILITIES ACT OF 1990**

## I. SUMMARY

1. This is a civil rights action by Plaintiff HOANG MINH LE (“Plaintiff”) for discrimination at the building, structure, facility, complex, property, land, development, and/or the entire parking lot surrounding the shopping plaza bearing the legal address: 17871 Castleton St, City Of Industry, CA 91748-1708, Los Angeles County (the “Property”). Plaintiff is often in the area for dining and entertainment as he lives approximately 25-30 minutes from the Property and the area has many popular dining and entertainment attractions. On this particular visit, he desired to patronize the “Boomers” located at the Property.

2. Plaintiff seeks damages, injunctive and declaratory relief, attorney’s fees and costs pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101, et seq.) and related California statutes<sup>1</sup> against Defendant, the tenant and/or owner of the Property PUENTE CASTELTON, LLC, a limited liability company (“Defendant”).

## II. JURISDICTION

3. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1343 for ADA claims.

4. Supplemental jurisdiction for claims brought under parallel California law – arising from the same nucleus of operative facts – is predicated on 28 U.S.C § 1367.

5. Plaintiff’s claims are authorized by 28 U.S.C. §§ 2201 and 2202.

## III. VENUE

6. All actions complained of herein take place within the jurisdiction of the United States District Court, Central District of California, and venue is invoked

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<sup>1</sup> Plaintiff is not currently asserting a cause of action under California Civil Code § 55, but may amend his complaint at a later time upon discovery of facts which give rise to such a claim.

1 pursuant to 28 U.S.C. § 1391(b), (c).

2 **IV.**  
3 **PARTIES**

4 **7.** On information and belief, Plaintiff alleges that Defendant is, or was at  
5 the time of the incident, the owners, operators, lessors and/or lessees of the Property,  
6 and consist of a person (or persons), firm, company, and/or corporation.

7 **8.** Plaintiff is a T-12 paraplegic, and as a result is unable to walk or stand,  
8 and thus requires a use of a wheelchair at all times when traveling in public. Plaintiff  
9 is “physically disabled” as defined by all applicable California and United States laws,  
10 and a member of the public whose rights are protected by these laws. Plaintiff is a  
11 resident of San Bernardino, California. Plaintiff is considered a high frequency  
12 litigant as that term is defined in California Code of Civil Procedure § 425.55(b). In  
13 the twelve months preceding the filing of this complaint, Plaintiff has filed  
14 approximately fourteen (14) other construction accessibility related claims.

15 **V.**  
16 **FACTS**

17 **9.** On or about September 9, 2023, Plaintiff patronized the Property. The  
18 Property is a sales or retail establishment, open to the public, which is intended for  
19 nonresidential use and whose operation affects commerce.

20 **10.** Plaintiff visited the Property and encountered barriers (both physical and  
21 intangible) that interfered with Plaintiff’s ability to use and enjoy the goods, services,  
22 privileges and accommodations offered at the facility. To the extent known by  
23 Plaintiff, the barriers at the Property included, but are not limited to the following:

- 24 **a.** The access aisle and/or accessible parking spaces have slopes and cross  
25 slopes that exceed 2.0%, including but not limited to ramps that protrude  
26 into access aisles creating excessive sloping. Without a level parking  
27 space, it becomes difficult for Plaintiff to unload/transfer from his vehicle  
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1 as his wheelchair rolls.

- 2 **b.** To the extent that the ramps protruding onto the access aisle are intended  
3 to provide an accessible pathway, the ramps are too steep and do not  
4 contain the required handrails, thus making it extremely unsafe for  
5 Plaintiff to use because when going up or down the makeshift ramp,  
6 Plaintiff can easily lose his balance.

7 **11.** These barriers to access are listed without prejudice to Plaintiff citing  
8 additional barriers to access after inspection by Plaintiff's access consultant, per the  
9 9th Circuits standing standards under Doran v. 7-Eleven, Inc. 524 F.3d 1034 (9th Cir.  
10 2008). These barriers prevented Plaintiff from enjoying full and equal access to the  
11 Property.

12 **12.** Plaintiff experienced difficulty, discomfort and embarrassment as a result  
13 of the accessible barriers he encountered. He continues to be deterred from visiting  
14 the Property because of the future threats of injury created by these barriers. Plaintiff  
15 would patronize the Property once the barriers are removed as he enjoys patronizing  
16 the Boomers located on the Property. Within 6-12 months of the barriers being  
17 corrected or removed, Plaintiff would return to the Property to not only ensure that the  
18 barriers have been corrected, but also to patronize the business at the Property.

19 **13.** On information and belief, Plaintiff alleges that Defendant knew that  
20 these elements and areas of the Property were inaccessible, violate state and federal  
21 law, and interfere with (or deny) access to the physically disabled. Moreover,  
22 Defendant has the financial resources to remove these barriers from the Property  
23 (without much difficult or expense), and make the Property accessible to the  
24 physically disabled. To date, however, the Defendant refuses to remove those  
25 barriers.

26 **14.** On information and belief, Plaintiff alleges that at all relevant times,  
27 Defendant has possessed and enjoyed sufficient control and authority to modify the  
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1 Property to remove impediments to wheelchair access and to comply with the  
2 Americans with Disabilities Act Accessibility Guidelines and Title 24 regulations.  
3 Defendant has not removed such impediments and has not modified the Property to  
4 conform to accessibility standards.

5 **VI.**

6 **FIRST CAUSE OF ACTION: VIOLATION OF CALIFORNIA LAW**  
7 **INCLUDING: THE UNRUH ACT, CIVIL CODE §§ 51, 52 AND THE**  
8 **AMERICANS WITH DISABILITIES ACT AS INCORPORATED BY CIVIL**  
9 **CODE SECTION 51(f)**

10 **15.** Plaintiff incorporates the allegations contained in paragraphs 1 through  
11 14 for this claim and incorporates them herein.

12 **16.** At all times relevant to this complaint, California Civil Code § 51 has  
13 provided that physically disabled persons are free and equal citizens of the state,  
14 regardless of disability or medical condition:

15 **17.** All persons within the jurisdiction of this state are free and equal, and no  
16 matter what their sex, race, color, religion, ancestry, national origin, disability, or  
17 medical condition are entitled to the full and equal accommodations, advantages,  
18 facilities, privileges, or services in all business establishments of every kind  
19 whatsoever. Cal. Civ. Code § 51(b).

20 **18.** California Civil Code § 52 provides that the discrimination by Defendant  
21 against Plaintiff on the basis of his disabilities constitutes a violation of the anti-  
22 discrimination provisions of §§ 51 and 52.

23 **19.** Defendant's discrimination constitutes a separate and distinct violation of  
24 California Civil Code § 52 which provides that:

25 Whoever denies, aids or incites a denial, or makes any discrimination or  
26 distinction contrary to section 51, 51.5 or 51.6 is liable for each and every  
27 offense for the actual damages, and any amount that may be determined by a  
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1 jury, or a court sitting without a jury, up to a maximum of three times the  
2 amount of actual damage but in no case less than four thousand dollars (\$4,000)  
3 and any attorney's fees that may be determined by the court in addition thereto,  
4 suffered by any person denied the rights provided in Section 51, 51.5 or 51.6.

5 **20.** Any violation of the Americans with Disabilities Act of 1990 (as pled in  
6 the Second Cause of Action) constitutes a violation of California Civil Code § 51(f)  
7 thus independently justifying an award of damages and injunctive relief pursuant to  
8 California law. Per § 51(f), "[a] violation of the right of any individual under the  
9 Americans with Disabilities Act of 1990 ... shall also constitute a violation of this  
10 section."

11 **21.** In addition to the occurrence in September 2023 Plaintiff is entitled to  
12 \$4,000.00 in statutory damages for each additional occurrence of discrimination under  
13 California Civil Code § 52. Plaintiff continues to be deterred from visiting the  
14 Property and thus is entitled to an additional \$4,000.00 in statutory damages for each  
15 additional instance of deterrence or discrimination which occurs from the date of this  
16 complaint until a final judgment is rendered in this action.

17 **22.** The actions and omissions of Defendant as herein alleged constitute a  
18 denial of access to and use of the described public facilities by physically disabled  
19 persons within the meaning of California Civil Code §§ 51 and 52. As a proximate  
20 result of Defendant's action and omissions Defendant has discriminated against  
21 Plaintiff in a violation of Civil Code §§ 51 and 51.

## 22 **VII.**

### 23 **SECOND CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH** 24 **DISABILITIES ACT OF 1990 (42 USC §§ 12101 *et seq.*)**

25 **23.** Plaintiff incorporates the allegations contained in paragraphs 1 through  
26 23 for this claim and incorporates them herein.

27 **24.** As part of the Americans with Disabilities Act of 1990 ("ADA"),  
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1 Congress passed “Title III – Public Accommodations and Services Operated by  
2 Private Entities.” 42 U.S.C. § 12181 et seq. The Property is one of the “private  
3 entities” which are considered “public accommodations” for purposes of this title,  
4 which includes any “restaurant, bar, or other sales or rental establishment serving food  
5 or drink.” § 301(7)(B).

6 **25.** The ADA states that “[n]o individual shall be discriminated against on  
7 the basis of disability in the full and equal enjoyment of the goods, services, facilities,  
8 privileges, advantages, or accommodations of any place of public accommodation by  
9 any person who owns, leases, or leases to, or operates a place of public  
10 accommodation.” 42 U.S.C. § 12182.

11 **26.** The acts and omissions of Defendant set forth herein were in violation of  
12 Plaintiff’s rights under the ADA and the regulations promulgated thereunder, 28 CFR  
13 Part 36 *et seq.*

14 **27.** On information and belief, Plaintiff alleges that the Property was  
15 constructed after 1992 and thus Defendant is not entitled to the readily achievable  
16 defense. On further information and belief, Plaintiff alleges that the removal of each  
17 of the barriers complained of by Plaintiff as hereinabove alleged, were at all times  
18 herein mentioned “readily achievable” under the standards §§ 301 and 302 of the  
19 ADA. As noted hereinabove, removal of each and every one of the architectural  
20 barriers complained of herein were also required under California law. Further, on  
21 information and belief, alterations, structural repairs or additions since January 26,  
22 1993 have also independently triggered requirements for removal of barriers to access  
23 for disabled persons per § 303 of the ADA. In the event that removal of any barrier is  
24 found to be “not readily achievable,” Defendant still violated the ADA, per § 302(b)  
25 )(2)(A)(v) by failing to provide all goods, services, privileges, advantages and  
26 accommodations through alternative methods that were readily achievable.

27 **28.** On information and belief, Plaintiff alleges that as of the date of  
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1           **31.** WHEREFORE, Plaintiff prays that this court award damages and provide  
2 relief as follows:

3           1. Issue a preliminary and permanent injunction directing Defendant as current  
4 owners, operators, lessors, and/or lessees of the Property to modify the above  
5 described Property and related facilities so that each provides full and equal access to  
6 all persons, including but not limited to persons with physical disabilities who use  
7 wheelchairs, and issue a preliminary and permanent injunction directing Defendant to  
8 provide and maintain facilities usable by Plaintiff and similarly situated persons with  
9 disabilities, and which provide full and equal access, as required by law, including  
10 appropriate changes in policy;

11           2. Retain jurisdiction over the Defendant until such time as the Court is satisfied  
12 that Defendant's unlawful policies, practices, acts and omissions, and maintenance of  
13 inaccessible public facilities as complained of herein no longer occur, and can not  
14 recur;

15           3. Award to Plaintiff statutory damages of \$4,000 for each occurrence of  
16 deterrence or discrimination experienced by Plaintiff until a final judgment is rendered  
17 in this case, all according to proof;

18           4. Award to Plaintiff all appropriate damages, including but not limited to  
19 statutory damages, general damages and treble damages in amounts within the  
20 jurisdiction of this Court, all according to proof;

21           5. Award to Plaintiff all reasonable statutory attorney fees, litigation expenses, and  
22 costs of this proceeding as provided by law;

23           6. Award to Plaintiff prejudgment interest pursuant to California Civil 17 Code§  
24 3291;

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1 7. Grant such other and further relief as this Court may deem just and proper.  
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3 ASCENSION LAW GROUP, PC  
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5 DATE: February 20, 2024

\_\_\_\_\_/s/ Pamela Tsao\_\_\_\_\_  
6 Pamela Tsao, attorney for Plaintiff  
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